



DOCKET FILE COPY ORIGINAL

Christine O. Gregoire

# ATTORNEY GENERAL OF WASHINGTON

Utilities and Transportation Division

1400 S Evergreen Park Drive SW • PO Box 40128 • Olympia WA 98504-0128 • (360) 664-1183

December 28, 2001

JAN - 2 2002

Magalie R. Salas, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20024

RE: CC Docket No. 96-45  
Comments of the Staff of the Washington Utilities and Transportation Commission

Dear Ms. Salas:

Pursuant to the Federal Communications Commission's Public Notice in the above referenced proceeding, enclosed for filing are an original and four copies of the Comments of the Staff of the Washington Utilities and Transportation Commission. This document was filed electronically this date.

Please contact Robert Shirley at (360)-664-1292, [rshirley@wutc.wa.gov](mailto:rshirley@wutc.wa.gov), if you have any questions about this filing.

Sincerely,

MARY M. TENNYSON  
Senior Assistant Attorney General

MMT:kl  
Enclosures

No. of Copies rec'd 014  
List ABCDE



**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Review of Lifeline and Link-Up	)	
Services for Low-Income Consumers	)	
	)	

JAN - 2 2002

**COMMENTS  
OF THE  
STAFF OF THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION**

The Staff of the Washington Utilities and Transportation Commission (WUTC)<sup>1</sup> hereby submits its comments on the review of Lifeline and Link-Up services for all low income consumers, as sought by the Joint Board in its *Public Notice* in the above-captioned proceeding.<sup>2</sup> The Staff comments are limited to the issues of immediate removal from Lifeline enrollment when a consumer no longer meets eligibility standards; the application process as it relates to the Enhanced Tribal Lifeline Program; and the publicity requirements of 47 C.F.R. §§54.405 and 54.411.

For more than a decade, the state of Washington has had the Washington Telephone Assistance Program (WTAP), which matches federal Lifeline dollars with

---

<sup>1</sup> The Staff of the Washington Utilities and Transportation Commission (WUTC) has held two workshops with interested persons on implementation of the Enhanced Tribal Lifeline Program and discussed outreach and publicity at both of those meetings. There is no WUTC docket number for these proceedings at this time and the staff has not requested the Commission take any action related to these issues and the Commission has neither authorized nor taken action. The information and opinions expressed in these comments are those of the Staff and are based on its own views.

<sup>2</sup> FCC 01J-2, released October 12, 2001.

state dollars collected from a surcharge on all access lines.<sup>3</sup> The program is operated by the state's social service agency (the Department of Social and Health Services-- DSHS)<sup>4</sup> and consumers qualify for the program if they have qualified for any one or more of nine benefit programs.<sup>5</sup>

Washington has 28 federally recognized Indian reservations<sup>6</sup> within its borders on which reside more than 75,000 consumers.<sup>7</sup> Washington has a substantial interest in the administration of the Enhanced Tribal Lifeline Program.

**I. When There Is No Administrative Lag in Enrollment for Lifeline Discounts, Removal from Enrollment Should Occur as Soon as the Consumer Becomes Ineligible, But When There Is an Administrative Lag in Enrollment, as with Enhanced Tribal Lifeline, Removal from Enrollment Should Occur on a Semi-Annual or Quarterly Basis**

Washington has a simple enrollment process for WTAP. A consumer desiring to enroll calls a local exchange company and provides a nine-digit client identification number from the state Department of Social and Health Services (DSHS) and her or his address and is then placed on hold while the local exchange company (LEC) representative places a toll-free call to DSHS to verify that the person is enrolled in one

---

<sup>3</sup> See RCWA 80.36.410 *et seq.* and Washington Administrative Code 480-122-010 *et seq.*

<sup>4</sup> See Washington Administrative Code 388-273-0010 *et seq.*

<sup>5</sup> The nine benefit programs are: (a) Temporary assistance for needy families (TANF); (b) State family assistance (SFA); (c) General assistance; (d) Refugee assistance; (e) Food assistance; (f) Supplemental Security Income (SSI); (g) Medical assistance, including Medicare cost sharing programs; (h) Community options program entry system (COPES); and (i) Chore services.

<sup>6</sup> The Chinook Tribe, which provided food and shelter to the Corps of Discovery led by Meriwether Lewis and William Clark at the conclusion of its journey west, is in the process of seeking recognition by the federal government and creation of a reservation for the tribe.

<sup>7</sup> Not all 75,000 consumers on reservations will be eligible for a discount, but those already on the telecommunications network receive a benefit when more households are added to the network.

of the nine benefit programs that make a consumer eligible for Lifeline support. The process takes one or two minutes. Because enrollment in the WTAP program is so quick, eligible consumer receive the benefit nearly as soon as they request it. For that reason, automatic removal from the program is reasonable because the person no longer qualifies for the assistance and was not limited in receipt of lifeline benefits by any administrative lag.

Unfortunately for those eligible for Enhanced Tribal Lifeline Benefits, the same quick enrollment process is not available. Even those who are eligible for assistance because they are participating in a qualifying benefit program are required to provide a statement under penalty of perjury that they reside on a Federally recognized Indian reservation, thus delaying the date of enrollment in the Enhanced Tribal Lifeline Program. Because a call to DSHS can substantiate eligibility based on participation in a state benefit program, but not residence on a federally recognized Indian reservation, local exchange companies operating in Washington require a signed statement that covers both eligibility and residential qualification. This introduces an administrative lag that slows enrollment in the Enhanced Tribal Lifeline Program relative to the WTAP program.

Because there is an administrative lag in one enrollment process and not in the other, the Staff of the WUTC recommends that the Joint Board consider two standards for removal from enrollment. States and local exchange companies that enroll consumers quickly using electronic data bases should be required to develop a process that leads to removal as soon as possible after eligibility is lost. For the Enhanced Tribal Lifeline Program and state programs that have a period of administrative lag in them before the

discounts are provided to consumers, the Joint Board should consider permitting enrollees to participate for three to six months from the time that eligibility ceases. This could be accomplished by requiring quarterly or semi-annual bill statements indicating that program participants must contact their local exchange company and take themselves off the program if they are no longer receiving benefits from a program that makes them eligible for the discount.

## **II. Verification of Residence on an Indian Reservation**

This portion of our comments concern the Enhanced Tribal Lifeline Program for those who qualify by virtue of participation in a state benefit program and whose eligibility can therefore be established with a one or two minute telephone call.

As described above, enrollment in the WTAP program can be achieved in a few minutes for eligible consumers in Washington,. However, those same consumers that are eligible by virtue of participation in a state-administered benefit program and who live on a reservation are required to wait for inclusion in the Enhanced Tribal Lifeline Program because they must sign a statement under penalty of perjury that they are eligible *and* reside on an Indian reservation. This requirement introduces an administrative lag that reduces the benefit for those who qualify and may deter some from completing the process to become eligible.

Our recommendation is that the Joint Board consider revising 47 C.F.R §54.409 in one of three ways. First, the LEC could be required to permit the residential qualification to be satisfied by a consumer's statement to the LEC representative that the consumer resides on a reservation. In the alternative, the rule could require LECs to

enroll persons in the Enhanced Tribal Lifeline Program when eligibility is established through a data base check and then follow up with a request for a statement under penalty of perjury concerning residence on a reservation. Third, the rule could be altered to require states and LECs that use electronic data bases to check eligibility to maintain information that would make establishment of residence on a reservation as quick as establishment of eligibility due to participation in a qualifying state benefit program. Any one of these would eliminate the administrative lag in providing the Enhanced Tribal Lifeline Program benefit for those consumers who live in a state where eligibility can be determined by reference to an electronic data base.

### **III. Outreach and Publicity**

The Staff of the WUTC conducted two workshops on outreach and publicity for Lifeline programs. On October 10, 2000, Staff, representatives of LECs, representatives of Indian tribes, and representatives of the agency that administers our state assistance program met to discuss implementation of the Enhanced Tribal Lifeline Program. Part of the discussion included the change to 47 C.F.R §54.405 that appears to increase the publicity requirements for eligible telecommunications carriers (ETCs). In a follow-up workshop, staff met with a similar group on May 22, 2001 to discuss efforts that ETCs might undertake to comply with the expanded publicity requirement. ETCs were asked to provide material they used to meet the requirement and to discuss this with each other as a means to disseminate information about successful publicity strategies.

From the materials provided to Staff, it appears that most ETCs meet the publicity requirement of 47 C.F.R. 54.405 by publishing information about their services and

charges, including information about Lifeline rates, in telephone directories and in an annual newspaper advertisement. Some ETCs do more, augmenting the telephone directory information and annual advertisement with a three or four sentence article in a consumer newsletter and a press release on the subject.

The company in Washington that has the most extensive program of printed outreach is operating , in part, in reaction to the requirements of a merger agreement. It has produced bill inserts and increased the amount of information printed in its 2001 telephone directories. It has also prepared a brochure on the topic.

The most innovative effort by an ETC is that of a wireless company that serves, among other areas, the Yakama Indian Reservation. That company has designed a program for residents of the reservation that permits unlimited local calling in two counties. It enrolls consumers in the program by sending a sales representative to the tribal administrative office once a week to assist consumers with the required eligibility statement and to hand out telephones. More than 1,200 reservation residents were enrolled in the first six months of the program.


In the workshop held May 22, 2001, the Staff learned that no ETC makes use of radio and television to inform consumers of Lifeline and Enhanced Tribal Lifeline Programs (except that occasional press releases may be sent to radio stations). Because the revised requirement requires publicity “reasonably designed to reach those likely to qualify for the service,” the absence of radio and television advertising is striking.

Only two of 26 ETCs represented that they make an effort to provide information about Lifeline to social service agencies that regularly interact with those likely to qualify for the service. To the best of our knowledge, no ETC has followed up on the discussion

with the Washington Department of Social and Health Services to engage in targeted mailings to eligible recipients.

The conclusion of the Staff of the WUTC is that the increased publicity requirements have not significantly changed the level of effort made by ETCs “to reach those likely to qualify for the service.” The Joint Board may want to address this by requiring specific outreach and publicity requirements. Because there are different media available for informing low-income consumers of the available discounts, and because marketing through more than one medium is more effective than relying on one only (printed matter), directing the use of radio commercials and television public service announcements may be the most effective way of implementing the targeted publicity requirement.

Respectfully submitted this 28<sup>th</sup> day of December, 2001,

  
CAROL J. WASHBURN  
Executive Secretary